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August 29, 1989

FEDERAL EXPRESS

Rosanne Mistretta, Esq.
U.S. EPA - Region III
841 Chestnut Building
Philadelphia, PA 19107

Re: Bally Groundwater Contamination Superfund Site

Dear Rosanne:

On behalf of Allegheny International, Inc. ("Allegheny") and Bally Engineered Structures, Inc., this letter constitutes an objection to EPA's Record of Decision ("ROD") issued in connection with the above-referenced Superfund site.

Our Remedial Design/Remedial Action good faith offer, submitted to EPA on July 26, 1989, specifically states that any work carried out by Allegheny to implement EPA-selected Alternative No. 2 would be performed only to the extent that EPA's ROD for the Bally Groundwater Site is consistent with the remedy described in EPA's May 30, 1989 Proposed Remedial Action Plan ("PRAP"). At the time of our review of the PRAP, we had not yet received a copy of the Bally Record of Decision. We now note the following inconsistency between these two documents.

The ROD for the Bally Groundwater Site provides that the EPA-preferred alternative (No. 2(d), (e), or (f)) now includes not only the treatment of groundwater by air stripping, but also "appropriate air emissions controls." Bally Groundwater ROD at 39. The PRAP for the Bally Groundwater Site failed to include reference to any form of air emissions controls in connection with the treatment of groundwater, and this cleanup methodology is outside the usual scope of groundwater remediation. In this sense, then, the PRAP was misleading.

In addition, we need to clarify for our understanding EPA's position regarding air emissions controls. The Bally ROD, on page 19, specifically states that the PADER Air

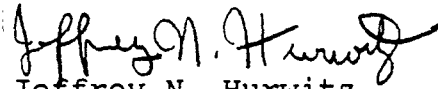
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Operating Permit will be incorporated as the primary ARAR for air emissions at the Bally Groundwater Site. Currently, the PADER'S permit authorization does not mandate air emissions controls; therefore, no apparent basis exists on which to require that air stripping of groundwater at Municipal Well No. 3 be augmented through use of air emissions controls as specified in the Bally ROD on page 39.

Allegheny International, Inc. and its technical consultant remain committed to performing the steps described in Alternative No. 2 of EPA's Proposed Remedial Action Plan. Following receipt of the EPA draft Consent Degree, we look forward to a productive meeting with representatives of the Agency to discuss further the issue of whether air emissions controls are "appropriate," as well as other aspects of cleanup at the Bally Groundwater Site.

Sincerely,


Jeffrey N. Hurwitz

JNH/bls

cc: Stephen R. Wassersug, Director, Hazardous Waste Management
Division
Robert L. Collings, Esq.

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